

## Subtitle 2. Park Land, Open Space and Natural Resource Regulations\*

**\*Editor's note:** C.B. 61, 2004 repealed §§ 19.201, 19.203--19.211 of former, and added new §§ 19.201, 19.203--19.211. Repealed former sections pertained to similar subject matter and derived from C.B.'s 46, 1992; 94, 1995.

### Sec. 19.200. Purpose.

The purpose of this subtitle is to establish regulations providing for the public's safe and peaceful use of county parks and park land; for recreational and educational benefit and enjoyment; and for the protection and preservation of the property, facilities and natural resources of the county. Park land and recreation programs conducted on park land are open for use by all members of the public regardless of race, religion, creed, color, sex, national origin, or disability.

(C.B. 46, 1992)

### Sec. 19.201. Definitions.

In this subtitle the following terms have the meanings indicated.

- (a) *Department* means the Howard County Department of Recreation and Parks.
- (b) *Department official* means an employee acting under the authority of the director.
- (c) *Director* means the director of the department of recreation and parks or the director's authorized designee.
- (d) *Open space* has the meaning set forth in Title 16, Subtitle 1 of the Howard County Code and is subject to the requirements of that subtitle.
- (e) *Open space buffer* means a portion of open space 12 feet in width which adjoins private property, as measured from the boundary line between the open space and the adjoining private property.
- (f) *Park property* means real and personal property which Howard County owns in fee simple or in which it holds a leasehold or easement interest and which is managed by the department for the use and benefit of the public for recreation, the protection of wildlife habitats, or the protection of natural, scenic, or historical resources. Park property includes, without limitation, a county park, county pathway, open space property purchased by or dedicated to the county, vegetation, soil, water, wildlife, a building or structure and its contents, a sign, improvement, fixture, equipment, monument, historic artifact, statue, vehicle, or a boundary survey marker or monument.
- (g) *Stream* means water, flowing in a definite direction in a channel with a bed and banks, and having a substantial degree of permanence, although flow may vary and in times of drought may cease for a period of time. A stream includes, without limitation, perennial or intermittent streams as well as drainage swales which are located on park property.
- (h) *Stream buffer* means all land within 75 feet of the bank of a stream which is located on park property.

(i) *Wetlands* means any land located on park property which has been determined by the army corps of engineers or the maryland department of the environment to be regulated or jurisdictional wetlands, or determined by the soil conservation district to be regulated wetlands using federal and state standards.

(j) *Wetlands buffer* means all land within 25 feet of wetlands which is located on park property.

(C.B. 61, 2004)

Sec. 19.202. Reserved.

**Editor's note:** As promulgated by C.B. No. 46, 1992, there is no § 19.202 in this subtitle.

Sec. 19.203. Authority.

The director may adopt regulations to administer the provisions of this subtitle pursuant to the requirements of Title 2, Subtitle 1 of the Howard County Code, the "Administrative Procedures Act".

(C.B. 61, 2004)

Sec. 19.204. Hours of operation.

(a) Park property shall be open to the public every day from sunrise to sunset, with the following exceptions:

(1) If the director has determined that park property should be closed for public safety, maintenance, construction or a special event, the director may close park property to public entry by posting signs, or placing barricades in the vicinity of points of entry to the park property; or

(2) The director has permitted activities pursuant to subsection 19.205 of this subtitle.

(b) A person shall not be on park property between sunset and sunrise, except for:

(1) Law enforcement personnel in the performance of their duties;

(2) Department personnel in the performance of their duties;

(3) Individuals authorized or accompanied by law enforcement or department personnel in the performance of their duties; or

(4) Persons authorized by permit pursuant to section 19.205 of this subtitle.

(C.B. 61, 2004)

Sec. 19.205. Permits.

(a) *Permits Generally.* The director is authorized to issue a permit for each activity set forth in this section. Unless a permit is obtained prior to the date of an activity, each activity set forth in this section is prohibited. A permit granted pursuant to this section is subject to the following requirements.

(1) In determining whether to grant a permit, the director shall consider the following standards for review:

(i) Whether the proposed activity will adversely impact the public health and safety or the maintenance or preservation of park property; and

(ii) Whether the proposed activity can be accommodated by the size or location of an available facility or park property;

(2) The permit holder shall keep the permit on the premises at all times and shall present the permit to department employees or law enforcement officials upon request;

- (3) The director may require proof of insurance prior to approving an application for a permit;
  - (4) The director is authorized to assess a fee for a permit to use a facility or park property;
  - (5) The director is authorized to impose conditions on the grant of a permit which are necessary to ensure that the public health and safety is preserved and to prevent damage, loss, or destruction of park property;
  - (6) A permitted activity shall be conducted in strict accordance with the requirements of this subtitle and with any conditions imposed on the grant of the permit;
  - (7) A permitted activity is limited to the scope of the activity set forth on the permit application as well as any condition imposed on the grant of the permit;
  - (8) The department may revoke a permit at any time for the violation of any condition on the grant of the permit, the use of misleading or fraudulent information in the permit application, or the violation of any local, state, or federal law or regulation; and
  - (9) The person or entity listed on the permit application shall reimburse the county for any and all costs caused by loss, damage, destruction, or removal of park property as well as any costs of clean-up beyond routine maintenance performed by the department.
- (b) *Reserved Use of Park Property.* The director may issue a permit to reserve an athletic field, recreation building, group picnic area, pavilion, camp site, camp fire, or other park property or facility for the exclusive use of the individual or group designated on the permit. In addition to the requirements of subsection (a) of this section, a permit to use park property is subject to the following conditions:
- (1) A picnic area which is not available for reservation is operated on a "first come, first served basis";
  - (2) The facility or park property applied for shall be available and appropriate for the purpose specified in the permit; and
  - (3) A permit reserving a facility or park property entitles the permit holder to its exclusive use on the date and time specified on the permit.
- (c) *Activities Requiring a Permit.* Unless a permit for the activity is obtained prior to the date of the activity, the following activities are prohibited:
- (1) *Aircraft.* Using an aircraft, helium or hot air balloon, hang glider, ultra-light aircraft, parachute, or any other person-operated aircraft on park property;
  - (2) *Alcoholic beverages.* Consuming or possessing alcoholic beverages on park property; subject to the requirements of subsection (a) of this section, section 19.204, And the following conditions:
    - (i) State laws regarding the use of alcohol shall apply on park property; and
    - (ii) The alcohol shall be consumed or possessed only within the specific facility or area designated on the permit;
  - (3) *Businesses.* Conducting or soliciting a business, trade, or occupation on park property including, without limitation:
    - (i) The taking of a photograph, motion picture, or video tape for commercial or instructional use;
    - (ii) The sale or offer for sale, hire, or lease of merchandise, a vehicle, aircraft, or watercraft;
    - (iii) The training of an animal; or
    - (iv) Except as provided by state law, commercial gambling;

- (4) *Camping*. Camping on park property in the area specified in the permit;
- (5) *Cutting or mowing*. Cutting or mowing vegetation on park property;
- (6) *Fires*. Lighting and maintaining a fire, except in a charcoal grill in a designated area provided by the department and subject to the requirements of subsection (a) of this section and the following conditions:
  - (i) The fire shall be in continuous care and direction of a competent person over the age of 16;
  - (ii) The fire shall be thoroughly and completely extinguished, i.e., The coals shall be cold, before the permit holder leaves the site; and
  - (iii) A recreational fire is subject to the approval of the Howard County Department of Fire and Rescue Services;
- (7) *Fireworks*. Subject to the requirements of the "Howard County Fire and Prevention Code" as set forth in Title 17, Subtitle 1 of the Howard County Code, possessing or discharging fireworks, pyrotechnics, ammunition, or other flammable or explosive devices on park property;
- (8) *Grading*. Conducting or causing the grading, removal, or disturbance of soil, rocks, or minerals on park property;
- (9) *Herbicides or fertilizers*. Applying a herbicide, fertilizer, fungicide, insecticide, or other substance or chemical to park property;
- (10) *Hunting*. As permitted by applicable state or county law; hunting, trapping, or destroying wildlife on park property for the purpose of scientific study, environmental education, or wildlife management;
- (11) *Interference with the use of park property*. Interference with the use of park property, including, without limitation, blocking a road, path, or walkway, and a parade or assembly held on park property shall be subject to the provisions of Title 14, Subtitle 3 of the Howard County Code;
- (12) *Metal detectors*. Use of a metal detector on park property;
- (13) *Models*. Use of a model airplane, car, boat, or rocket on park property;
- (14) *Self-propelled motorized vehicles*. Operating a self-propelled motorized vehicle including, without limitation, an all-terrain vehicle, on a pathway, trail, or other non-paved area on park property;
- (15) *Signs*. Erecting or posting a sign or notice on park property, including, without limitation, an audio sign or notice such as a talking machine, recorder, or other audio/visual device;
- (16) *Soliciting*. Subject to the requirements of Title 14, Subtitle 7 of the Howard County Code; soliciting for a contribution, donation, or money on park property;
- (17) *Storage*. Storing material of any description on park property;
- (18) *Structures*. Subject to the requirements of Title 3, Subtitle 1 of the Howard County Code; erecting or building a structure on park property;
- (19) *Watercraft*. Use of a boat or other watercraft on a lake, stream, pond, or river on park property subject to federal, state, and local regulations governing the use, operation, and safety of the watercraft; and
- (20) *Weapons*. Carrying, possessing, or discharging a firearm, bow, dart, knife, or any other dangerous weapon on park property; subject to the requirements of subsection (a) of this section, section 19.204, and the following:

- (i) The permit is applicable only in an area of park property designated for such purpose; and
  - (ii) Unauthorized weapons shall be confiscated.
- (C.B. 61, 2004)

Sec. 19.206. Traffic; vehicles; parking.

(a) *General Provisions.*

(1) Traffic laws and parking regulations applicable on public roads in the county are applicable on park property.

(2) The use of roads within park property is subject to regulations of the department.

(3) The director may close roads within park property as necessary.

(b) *Pedestrian Right-of-Way.* In all instances, a pedestrian shall have the right of way within park property.

(c) *Speed Limits.* Unless a different speed limit is posted, the speed limit for a motor vehicle within park property is 15 miles per hour.

(d) *Roadways Open to Motor Vehicles.* Except for a county maintenance vehicle, emergency vehicle, or police vehicle, a person shall operate a motor vehicle within park property only on a road or street with public access. A person shall not operate an all-terrain vehicle or a go-kart on a road or street within park property.

(e) *Vehicle Repair.* Except for an emergency repair, a person shall not repair or perform maintenance on a vehicle within park property.

(f) *Parking Regulations.* A person shall not stop, stand, or park a motor vehicle on park property if the motor vehicle is located:

(1) On or obstructing the entrance to an access road;

(2) On or obstructing the entrance to a bike path, walking path, or bridle path;

(3) On a pathway or road during those hours when park property is not open to the public;

(4) Unless specifically directed by authorized department personnel or police, on any grass area; or

(5) Unless specifically directed by authorized department personnel or police, where the motor vehicle will injure any form of vegetation.

(g) *Impoundment of Vehicles.* An illegally parked or abandoned motor vehicle may be towed from park property and impounded at the owner's expense in accordance with the provisions of Title 21, Subtitle 2 of the Howard County Code.

(C.B. 61, 2004)

Sec. 19.207. Regulation of recreational activities.

The following recreational activities are restricted to designated areas of park property and may be subject to additional requirements.

(a) *Bicycling.* A person shall operate a bicycle on park property in accordance with the following requirements:

(1) A person may operate a bicycle on a road within park property;

(2) A person may operate a bicycle on a pathway or trail designated for bicycle riding;

(3) The maximum speed limit on a trail or pathway is 10 miles per hour;

(4) A trail is subject to regulations set forth in Title 21, Subtitle 12 of the Transportation Article of the Annotated Code of Maryland;

- (5) Children 16 years of age or younger shall wear an approved safety helmet when operating a bicycle on park property, as provided in Title 21, Subtitle 4 of the Howard County Code;
  - (6) A person operating a bicycle shall use a "bike lane" wherever available;
  - (7) Except when passing, a person operating a bicycle or a pedestrian shall keep to the right;
  - (8) A person operating a bicycle shall alert other trail users before passing;
  - (9) A person operating a bicycle shall always yield to a pedestrian; and
  - (10) A person operating a bicycle shall yield to vehicular traffic at intersecting roadways.
  - (b) *Fishing*. A person may fish only in a designated area and in compliance with state and other applicable laws.
  - (c) *Horseback Riding*. A person may ride a horse only in a designated area or on a designated trail.
  - (d) *Picnicking*. A person may picnic only in a designated area.
  - (e) *Roller Skating; In-Line Skating; Skateboarding*. A person may roller skate, in-line skate, or skateboard on a pathway or sidewalk. A person shall not roller skate, in-line skate, or skateboard on a road, parking area, or multi-purpose recreational surface, including, without limitation, a basketball court, tennis court, or racquetball court.
  - (f) *Swimming; Water Sports*. A person may swim or engage in other water sports only in an area designated for water activities and only during the hours specified.
  - (g) *Winter Sports*. While on park property, a person shall not:
    - (1) Use a snowmobile; or
    - (2) Skate or walk on ice.
- (C.B. 61, 2004)

Sec. 19.208. Regulation of conduct.

- (a) *Depositing Refuse Generated Off-Site*. A person shall not deposit refuse generated off-site onto park property.
- (b) *Domesticated Animals*. The provisions of Title 17, Subtitle 3 of the Howard County Code shall apply to a domesticated animal on park property. In addition, the following requirements shall apply:
  - (1) A person shall not graze, house, or leave unattended an animal on park property; and
  - (2) A domesticated animal is prohibited at all times in an area of park property that is posted to prohibit animals.
- (c) *Encroachments*. Without first obtaining a permit pursuant to section 19.205 of this subtitle, a private encroachment is prohibited on park property. An encroachment shall include, without limitation, a fence, wall, dog run, dog house, storage structure, driveway, compost pile, swimming pool, tree house, playhouse, wood pile, garden, play equipment, tv or radio reception device, or any other device, structure, refuse, or material.
- (d) *Entrance and Exit*. A person shall enter and exit park property at an officially designated entrance and exit.
- (e) *Indecent Conduct*. While on park property, a person shall not:
  - (1) Be nude or indecently expose themselves;
  - (2) Engage in a sexual act; or

- (3) Urinate or defecate except in a designated facility.
  - (f) *Interference with Duties of County Personnel.* A person shall not interfere with a county employee on park property acting in the course of their official duties.
  - (g) *Interference with other individuals on park property.*
  - (1) *Interference with the Public.* A person shall not obstruct, delay, or interfere with the free movements of any other individual, seek to coerce or physically disturb any other individual, or hamper or impede the conduct of any authorized business or activity on park property.
  - (2) *Use Without Permit.* A person that does not hold a permit to use park property which requires a permit shall vacate the property upon the arrival of the permit holder.
  - (3) *Order to Vacate.* A user of a park property, including a permit holder, shall immediately cease an activity and vacate the premises if so instructed by department officials for reasons of public safety or to prevent potential damage to park property or a park facility.
  - (h) *Lost Objects.* A lost object found on park property shall be turned over to a department official and may be recovered by showing proper photo identification. A lost object shall be held by the department for a period of 30 days after which time it will be turned over to the police department for disposition pursuant to the provisions of Title 4, Subtitle 3, of the Howard County Code.
  - (i) *Noise.* A person shall not play an audio device or create excessive noise so as to disturb the peace.
  - (j) *Vandalism.* While on park property, a person shall not:
    - (1) Interfere with, encumber, obstruct, damage, destroy, or render dangerous, any drive, path, trail, walk, dock, fence, wall, bridge, bench, play equipment, structure, improvement, or plant on park property;
    - (2) Disturb the public peace; or
    - (3) Hinder or obstruct the proper use of a restroom, concession stand, or other public structure on park property.
- (C.B. 61, 2004)

Sec. 19.209. Environmental protection.

- (a) *Mowing Open Space.*
  - (1) *Mowing an Open Space Buffer.* Unless mowing is prohibited by the provisions of paragraph (2) below, an owner of private property whose property adjoins open space may mow the open space buffer.
  - (2) *Restrictions on Mowing an Open Space Buffer.* An adjacent property owner shall not mow the open space buffer if:
    - (i) There is a tree, shrub, or other woody vegetation on the open space buffer;
    - (ii) The open space buffer includes land which is within 75 feet of a stream, pond, stormwater management facility, river, or floodplain;
    - (iii) The open space buffer includes land which is within 25 feet of a wetland;
    - (iv) The open space buffer contains slopes of 25% or greater; or
    - (v) The department has prohibited mowing in that specific location.
  - (3) *Application of Chemicals.* Without first obtaining a permit pursuant to section 19-205 of this subtitle, the property owner shall not apply a herbicide, insecticide, fertilizer, fungicide, or other chemical or material to the vegetation on the open space buffer.

- (4) *Liability of Property Owner.* A property owner who mows an open space buffer is deemed to have relieved the county of all liability for accidents, injuries, or property damage related to or arising from such mowing.
- (5) *Limits on Maintenance Activity.* Except for mowing as set forth in this subsection and other activities permitted by the county pursuant to a written maintenance agreement, a private citizen shall not perform maintenance activity in an open space buffer.
- (b) *Detrimental to Natural Resources and Ecosystem.* A person shall not conduct an activity which is detrimental to the natural resources and ecological function of park property, interferes directly or indirectly with the use of park property, or is harmful to human, animal, plant, or aquatic life on park property.
- (c) *Grading or Disturbance.* Without first obtaining a permit pursuant to section 19.205 of this subtitle, a person shall not conduct or cause the grading, removal, or disturbance of soil, rocks, or minerals.
- (d) *Cutting or Mowing Vegetation.* Without first obtaining a permit pursuant to section 19.205 of this subtitle, a person shall not conduct or cause the cutting, mowing, removal, or disturbance of all or part of any live or dead tree, shrub, grass, or other form of vegetation.
- (e) *Contamination.* A person shall not throw, cast, lay, drop, deposit, leave, spill, pour, dump, discharge, dispose of, or otherwise place any matter, substance, thing, liquid, or solid onto or into any park property, in any storm drain, sewer, or other device which drains onto park property, or in waters within or which run into park property. This shall include the application of a herbicide, fertilizer, fungicide, insecticide, or other substance on park property without having first obtaining a permit from the director pursuant to section 19.205 of this subtitle.
- (f) *Disturbing Vegetation Within Stream or Wetland Buffer.* A person shall not mow, cut, remove, dump, deposit, or otherwise disturb vegetation within a stream or wetland buffer or a floodplain located on park property.
- (g) *Wildlife.* Without first obtaining a permit pursuant to section 19.205 of this subtitle, a person shall not:
- (1) Hunt or trap wildlife except for scientific study, environmental education, or wildlife management purposes;
  - (2) Hunt with, carry, or possess a firearm on park property; or
  - (3) Injure, destroy, or otherwise interfere in any way with wildlife or wildlife habitat.
- (h) *Destruction; Disturbance.* A person shall not deface, destroy, damage, injure, disturb, defoul, dump upon, or in any way misuse or remove any part of park property.
- (i) *Planting on Park Property.* A person shall not plant or cause the planting, seeding, or propagation of vegetation on park property.
- (C.B. 61, 2004)

Sec. 19.210. Enforcement.

- (a) *Generally.* The department may institute any action at law or equity, including injunction or mandamus, to enforce the provisions of this subtitle.
- (b) *Criminal Penalties.* A person who violates a provision of this subtitle that is not already prohibited by state or federal law is guilty of a misdemeanor and upon conviction, is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both. A person who violates a provision of this subtitle that is prohibited by state



or federal law, upon conviction, shall be subject to the fine, imprisonment, or both, as provided by state or federal law.

(c) *Civil Penalties.* Alternatively, and in addition to and concurrent with all other remedies at law or equity, the department may enforce this subtitle pursuant to Title 24, "Civil Penalties" of the Howard County Code. Violations of this subtitle shall be the class of offense set forth as follows:

TABLE INSET:

Section	Title	Class Offense
19.204	Hours Of Operation	E
19.205(b)	Permits, Reserved Use of Park Property	E
19.205(c)(1)	Permits, Aircraft	A
19.205(c)(2)	Permits, Alcoholic Beverages	B
19.205(c)(3)	Permits, Businesses	C
19.205(c)(4)	Permits, Camping	D
19.205(c)(5)	Permits, Cutting or Mowing	A
19.205(c)(6)	Permits, Fires	C
19.205(c)(7)	Permits, Fireworks	B
19.205(c)(8)	Permits, Grading	A
19.205(c)(9)	Permits, Herbicides or Fertilizers	A
19.205(c)(10)	Permits, Hunting	A
19.205(c)(11)	Permits, Interference with the Use of Park Property	C

19.205(c)(12)	Permits, Metal Detectors	D
19.205(c)(13)	Permits, Models	D
19.205(c)(14)	Permits, Self-Propelled Motorized Vehicles	C
19.205(c)(15)	Permits, Signs	D
19.205(c)(16)	Permits, Soliciting	E
19.205(c)(17)	Permits, Storage	C
19.205(c)(18)	Permits, Structures	C
19.205(c)(19)	Permits, Watercraft	D
19.205(c)(20)	Permits, Weapons	A
19.206	Traffic, Vehicles, Parking	E
19.207(a)	Recreational Activities Bicycling	E
19.207(b)	Recreational Activities, Fishing	D
19.207(c)	Recreational Activities, Horseback Riding	E
19.207(d)	Recreational Activities, Picnicking	E
19.207(e)	Recreational Activities, Roller Skating, In-Line Skating, Skateboarding	
19.207(f)	Recreational Activities, Swimming; Water Sports	D
19.207(g)(1)	Recreational Activities, Snowmobiling	B
19.207(g)(2)	Recreational Activities, Walking or Skating on Ice	D

19.208(a)	Conduct on Park Property, Depositing Refuse	A
19.208(b)	Conduct on Park Property, Domesticated Animals	C
19.208(c)	Conduct on Park Property, Encroachments	A
19.208(d)	Conduct on Park Property, Entrance and Exit	E
19.208(e)(1)	Conduct on Park Property, Indecent Conduct, Nudity	B
19.208(e)(2)	Conduct on Park Property, Indecent Conduct, Sexual Activity	B
19.208(e)(3)	Conduct on Park Property, Indecent Conduct, Urination	e
19.208(f)	Conduct on Park Property, Interference with Duties of County Personnel	B
19.208(g)	Conduct on Park Property, Interference with Other Individuals	B
19.208(h)	Conduct on Park Property, Lost Objects	E
19.208(i)	Conduct on Park Property, Noise	B
19.208(j)	Conduct on Park Property, Vandalism	A
19.209(a)	Environmental Protection, Mowing Open Space	A
19.209(b)	Environmental Protection, Activities Detrimental	A
19.209(c)	Environmental Protection, Grading or Disturbance	
19.209(d)	Environment Protection, Cutting or Mowing	A
19.209(e)	Environmental Protection, Contamination	A
19.209(f)	Environmental Protection, Disturbing Buffers	A

19.209(g)	Environmental Protection, Wildlife	A
19.209(h)	Environmental Protection, Destruction of Property	A
19.209(i)	Environment Protection, Planting	A

(d) Each day that a violation continues is a separate violation.  
(C.B. 61, 2004)

Sec. 19.211. Restitution.

Howard County may seek a court order authorizing the county to obtain restitution from any individual for costs incurred by the county in restoring, repairing, replacing, removing an encroachment, or otherwise mitigating the loss of or damage to park property.

(C.B. 61, 2004)